

KEY INFORMATION

Ward The Ferry

Proposal

Alterations to ex car showroom to form new glazed frontage, roller access door, fire exit and entrance door.
Reinstatement of original windows on east elevation (church street). Removal of existing raked floor, stage and removal of external ramp. Existing decorated proscenium arch to be retained.

Address

49-51 Queen Street
Broughty Ferry, Dundee

Applicant

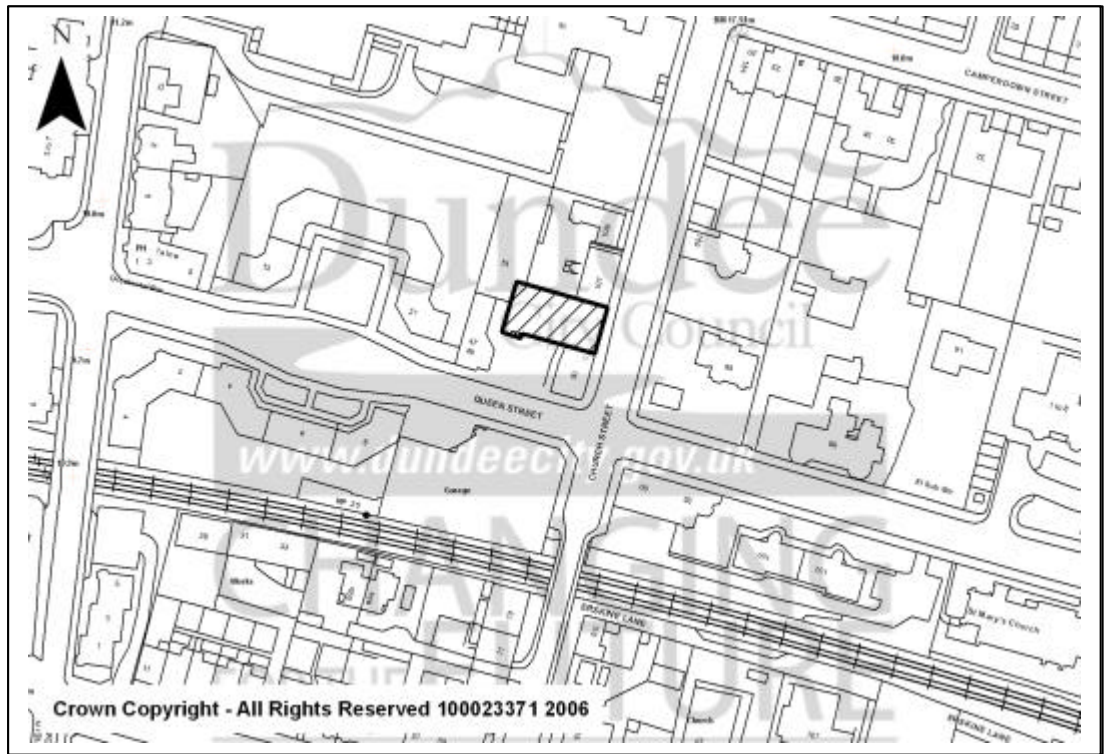
West End Garage Ltd
28 Queen Street
Broughty Ferry
Dundee DD5 1AN

Agent

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Dundee DD2 1BD

Registered 8 Feb 2008

Case Officer Paul Macari



Alterations Proposed to Listed Building in Queen Street

Alterations to a car showroom are **RECOMMENDED FOR APPROVAL** subject to Historic Scotland.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development will preserve the listed building, its setting and its features of interest. The Listed Building application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Listed Building Consent is sought for external and internal alterations to the B listed former Regal Cinema at 49-51 Queen Street Broughty Ferry. The proposed internal alterations will involve the removal of the timber stage and raked floor. The external alterations will involve the installation of ground floor, floor to ceiling glazing on the south elevation of the existing building as well as the formation of an aluminium roller door on the western elevation of the building and formation of a customer entrance. It is also proposed to fully restore the existing window and door openings on the front elevation of the building.
- Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Policies 59 (Alternative Uses for Listed Buildings) and 60 (Development Affecting Listed Buildings) of the Local Plan are relevant.
- One letter of Objection has been received from the Theatre Cinema Association raising concerns that the proposed developments are contrary to the provisions of Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas; the proposals will have a detrimental impact upon the character of a listed building; the use of the building for Class 11 purposes will be lost, and, the proposals will result in the loss of features recovered from an ocean liner.
- This application was advertised in the Edinburgh Gazette and Dundee Evening Telegraph as development affecting a listed building.

DESCRIPTION OF PROPOSAL

This application seeks listed building consent for external and internal alterations to the B listed former Regal Cinema at 49-51 Queen Street Broughty Ferry. The proposed internal alterations will involve the removal of the timber stage and raked floor. The carved timber proscenium arch will be retained along with the carved timber gallery. The external alterations will involve the installation of ground floor, floor to ceiling glazing on the south elevation of the existing building matching the existing showroom to the west of the site as well as the formation of an aluminium roller door on the western elevation of the building and formation of a customer entrance. The aluminium roller door will be concealed within the car showroom adjoining the western gable of the building. The existing window and door openings as well as the feature bull's eye window centrally located on the eastern elevation shall be fully restored with timber doors and timber framed windows being installed. The light boxes currently situated in the southern elevation of the building will be removed during the installation of the glazed panels and relocated into the columns between the glazed panels. The main features of architectural and historical merit as detailed in Historic Scotland's listing of the building will be retained.

The applicant is aware that the proposed signage to be displayed on the south elevation of the building does not form part of this application and requires to be the subject of a formal application for advertisement consent and listed building consent respectively.

SITE DESCRIPTION

The application site is located on the north side of Queen Street and west side of Church Street. The site comprises a B listed former theatre. The existing building has a sandstone frontage (east elevation) adjoining Church Street with the south and western elevations finished in white painted wet dash render. The building has a pitched roof finished in natural slate. The building is currently used as car showroom and forms an integral part of the West End Honda Garage complex. Internally, the building has maintained the key features of its

former use with a stage situated on the eastern gable. The floor slopes from west to east and there is a gallery section above. The stage and gallery are constructed from timber and are oak panelled.

The building is bound to the south by a single storey building that currently houses a hot food takeaway, as well as a car display area. To the north, the site is bound by a 3 storey block of flats and to the west by a traditional 2 storey building. The ground floor of this building is used as a car show room and has glazed eastern and southern elevations. The upper floor is used as office space and has large single glazed windows. The building has a slate hipped roof with the upper floor finished in a white painted render to match the southern elevation of the application site.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 2005

The following policies are of relevance:

Policy 59: Alternative Uses For Listed Buildings - suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building. Reference should be made to other policies in the Plan.

Policy 60: Alterations to Listed Buildings - the alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.

The City Council will provide specific supplementary guidance on the following: window and door alterations, advertisements, shopfronts, roller shutters, treatments to masonry and painting and use of materials.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

NPPG 18: Planning and the Historic Environment sets out the framework for dealing with applications relating to listed buildings. It makes particular reference to the "Memorandum of Guidance on Listed Buildings and Conservation Areas" which provides more detailed guidance on listed building proposals.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

Planning application Ref: 92/17225/D and listed building application ref: 92/00727/DLB sought the respective consents to change the use of 49-51 Queen Street with internal and external alterations from a theatre/ cinema to a car showroom. Planning permission and listed building consent were granted subject to conditions for the respective applications.

Planning application ref: 07/00430/FUL and listed building application ref: 07/00452/LBC sought respective consents for the provision of a fire exit in the car storage area of the former Regal Cinema following the part demolition of the building that housed the cinema projection booth and original fire exit. Both applications were permitted subject to conditions.

Planning application ref: 07/01089/FUL and listed building consent application ref: 07/01090/LBC sought respective consents for external and internal alterations to the existing car showroom at the Former Regal Cinema to install a glazed frontage on to Queen Street, a roller door and fire exit as well as remove the existing stage and raked floor. The proposals also included reinstating the existing window and door openings in the

eastern elevation. Both applications were withdrawn by the applicant.

PUBLIC PARTICIPATION

This application was advertised in the Edinburgh Gazette and Dundee Evening Telegraph as development affecting a listed building. 1 letter of objection has been received from the Cinema Theatre Association. The Cinema Theatre Association raise concerns of:

- detrimental impact upon the character of the listed building;
- contrary to the Memorandum of Guidance;
- loss of historic features recovered from ocean liner; and
- loss of opportunity for use of building for Class 11 purposes.

A copy of the objection letter received from the Cinema Theatre Trust is available for viewing in the Member's Lounge.

CONSULTATIONS

No adverse comments have been received from Consultees. However, the National Theatre Trust has raised concerns over the level of detail submitted with regard to the door and window openings and loss of the stage and raked floor. However, they are content that these issues can be addressed by way of condition should the Committee be mindful to grant listed building consent.

Historic Scotland has informally recommended that the proposed roller shutter door opening in the western elevation be omitted unless a clear need for it can be demonstrated. Further, the amount of new window openings on the south elevation should be reduced by one to lessen the impact on the existing blank character of this elevation. With regard to the light boxes and light fittings, Historic Scotland recommend that a condition form part of the approval of listed building consent requiring the reinstatement of such features which have been removed. The proposed reinstatement of the eastern elevation is considered positive and therefore given the retention of the proscenium arch the removal of the raked floor and stage area is acceptable. The concerns raised by Historic Scotland have been

addressed by a supporting letter and revised drawings.

OBSERVATIONS

In accordance with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

The use of the application site as a car showroom was established by planning application Ref: 92/17225/D and listed building application ref: 92/00727/DLB. In its current form the building does not lend itself easily to a car showroom given access limitations and layout. However, the proposed developments while of a contemporary design will give the building versatility adding to its longevity and sustainability. This is demonstrated by the restoration and retention of the key features of architectural and historic merit through the sensitive creation of an open usable ground floor with a glazed southern elevation. Although the existing blank southern elevation is characteristic of a cinema/ theatre building, the installation of ground floor, floor to ceiling glazing and removal of the stage and raked floor will not prevent the building reverting back to its former Class 11 Use nor prevent the building being employed for a variety of other uses. This is because the proposals aim to retain the last remaining listed features of historical importance whilst creating an open and usable floor space that can be manipulated for many uses not just the display of vehicles. Indeed, the retention of the balcony, carved timber proscenium arch, restoration of the front elevation and reinstatement of light boxes will ensure that the historic use of the building as a theatre/cinema is incorporated into the proposed and future uses without diminishing the character or setting of the building.

The historic use and character of the building will be maintained through the retention of the decorative carved timber proscenium arch, balcony and light boxes whereby the proposed glazed frontage will "display" these features to the public in their natural surroundings.

Although previous consents and permissions have allowed for the

removal of key elements of the former Regal Cinema including the projector box and foyer block, the removal of the raked floor and stage are not considered to impact upon the character of the building. This is because the remaining features in conjunction with the proposed restoration of the front elevation preserve the historic character and use of the building. The loss of the timber stage and raked floor are not detrimental to the historic character of the building. This is because the retention of the balcony and proscenium arch and light fittings as well as the restoration of the eastern elevation will preserve the former use of the building.

It is concluded from the foregoing that the proposal will preserve the listed building and its features of interest. However, to ensure the full restoration and protection of key features of architectural and historical merit conditions relating to the submission of detailed sections and elevations of door and window openings shall be incorporated into this consent should the Committee be minded to approve this application.

Other Material Considerations

The other material considerations to be taken into account are as follows:

a The Development Plan

Policy 59 and Policy 60 of the Dundee Local Plan Review 2005 requires alterations to a listed building to have regard to the preservation or enhancement of its architectural or historic character.

This matter has already been considered in the assessment of the proposed development against Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and it was considered that the proposal would preserve the listed building.

b Views of the Objector

1 letter of objection has been received from the Theatre Cinema Association raising concerns about detrimental impact the proposals will have on the listed building, loss of historic features recovered from ocean liner and the proposals being

contrary to the Memorandum of Guidance.

The assessment of the proposals against Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 has established that the proposals will not have a detrimental impact upon the historic character or setting of the listed building. Principally this is because the loss of the stage and raked floor is acceptable given the restoration of the eastern elevation along with the retention of the proscenium arch. In turn the proposed works will replenish the buildings historic prominence on Queen Street and Church Street. The proposed glazed southern elevation will open the historic character of the building to the surrounding streetscape displaying the historic use of the building as a theatre/ cinema.

The loss of historic features recovered from an ocean liner cannot be attributed to the current proposals. This is because the oak panelling that lined the walls of the building was removed as part of previous consents and has since gone missing. However, to ensure that the existing fixtures and fittings of the building remain intact conditions will form part of this consent that require method statements of all works to be carried out along with photographic cataloguing to ensure that any features removed are replaced in the correct position.

The objector has insinuated that the proposed developments are contrary to the provisions of Paragraph 2.16 and Appendix 1 Paragraph 0.05 of Historic Scotland's Memorandum of Guidance. It is considered that although incremental alterations to the application site have resulted in the building being heavily modified from its original appearance, none of the works approved including those proposed have or would result in the building losing its visual identity. Further, by virtue of the retention of the light boxes, balcony, carved timber proscenium arch and ornate plaster work the integrity of the building as a former theatre/

cinema will be retained. It is therefore considered that even though the application site has undergone significant redevelopment over the last 20 years, the integrity and historic character of the building has been maintained. The proposals will not result in further changes to the building that makes it impossible to revert back to its original use as a theatre/ cinema. Further, through the storage and cataloguing of all features and fixings removed, the historic integrity of the building will be retained so that the opportunity to fully restore the building is preserved. The proposed development is considered to comply with the provisions of the Memorandum of Guidance.

c Supporting Statement

With respect to concerns raised by Historic Scotland and the National Theatre Trust, the applicant has submitted a letter of support to address these concerns. The proposed aluminium framed glazed doors to be installed on the east elevation of the building are no longer required. As such these features will be replaced by timber framed glazed panels to match the windows above. Following previous correspondence with Historic Scotland, the proposed window openings in the southern elevation of the building were reduced in frequency, width and height to blend with the surrounding car showrooms. Further, the proposed window openings shall provide natural light into what is a very dark hall. This will aid in the restoration of the building by creating a usable floor space adding to the sustainability and longevity of the building. In light of Historic Scotland's comments, the proposed window openings in the southern elevation remain unchanged.

The proposed roller shutter door opening in the western elevation is required to provide vehicle access to the showroom. The applicant has confirmed that the roller shutter is the most sensitive method of providing access to the building as timber doors would

require increased headroom and would impact upon the 1st floor gallery. The roller shutter door can be painted white to match the interior of the showroom to reduce the impact of steel against the timber and plaster interior.

The applicant has also confirmed that the existing light boxes and historic light fittings will be re-instated so as to retain the historic character of the building. The supporting statement demonstrates the applicants commitment to enhancing the appearance of the building for modern use purposes while at the same time restoring and safeguarding the historic character and features of former uses in the most sensitive ways possible.

It is concluded from the foregoing that listed building consent should be granted for this development.

Design

The conversion of the listed building involves little change to its character and appearance and the design of the development will preserve the listed building.

CONCLUSION

The proposed development will preserve the listed building, its setting and its features of interest.

RECOMMENDATION

Recommendation 1

This consent shall not be issued unless and until Historic Scotland has formally decided that the application will not be called in for determination by Scottish Ministers.

Recommendation 2

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 BEFORE WORK STARTS ON SITE, a method statement detailing the processes involved in the removal of the stage and raked floor as well as all

associated fixtures and fittings shall be submitted to this Planning Authority for written approval. Once approved the proposed methods shall be implemented in full in accordance with the stamped approved drawings. For the avoidance of doubt, the method statement should include details of how and where the associated fixtures and fittings are to be stored and reinstated as well as details of the support mechanisms to be located beneath the retained carved timber proscenium arch.

- 3 BEFORE WORK STARTS ON SITE, sections through the southern elevation of the building showing the proposed location of the light boxes within the columns between the glazed panels shall be submitted to this Planning Authority for written approval. The details approved by virtue of this condition shall be implemented in full in accordance with the stamped approved plans.
- 4 BEFORE WORK STARTS ON SITE, details of the proposed windows and bulls eye window to be restored on the eastern (front) elevation of the building shall be submitted to this Planning Authority for written approval. The details approved by virtue of this condition shall be implemented in full. For the avoidance of doubt the details submitted should include elevations and sections to a scale no less than 1:20.
- 5 BEFORE WORK STARTS ON SITE, details of the proposed glazed panels and entrance to be installed in the southern elevation of the building shall be submitted to this Planning Authority for written approval. The glazing and entrance details approved by virtue of this condition shall be implemented in full in accordance with the stamped approved plans. For the avoidance of doubt, the glazing and entrance details to be submitted should include elevations and sections of the proposed windows to a scale no less than 1:20.

Reasons

- 1 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 2 In the interests of retaining the character of the listed building.
- 3 In the interest of safeguarding the historic character of the listed building.
- 4 In the interest of safeguarding the visual appearance of the Listed Building.
- 5 In the interest of safeguarding the visual appearance of the building.